

REMARKS

Applicant has carefully reviewed the Application in light of the Office Action transmitted October 8, 2008 ("*Office Action*"). Claims 1-22 and 24-39 are pending in the Application, and the Examiner rejects all pending claims. Applicant respectfully requests reconsideration and favorable action in this case.

I. Rejections under 35 U.S.C. § 103(a)

A. Claims 1-8, 10-17, 19-20, 22, 24-26, and 33-39 are allowable because *Bales* and *McAllister* fail to teach tunneling the message in the audio communication link to the remote device.

The *Office Action* rejects Claims 1-8, 10-17, 19-20, 22, 24-26, and 33-39 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,574,724 to Bales, et al, ("*Bales*") in view of U.S. Patent Publication No. US 2003/0048790 to McAllister, et al. ("*McAllister*").

Consider Applicant's independent Claim 1, which recites:

A method for supporting communications comprising:
establishing a packet-based audio communication link with a remote device;
informing a local computing device of the audio communication link;
receiving a message from the local computing device, the message requesting identification of enhanced media capabilities associated with the remote device;
tunneling the message in the audio communication link to the remote device;
receiving a tunneled response in the audio communication link from the remote device, the response identifying the enhanced media capabilities associated with the remote device; and
forwarding the response to the local computing device.

Among other aspects, *Bales* fails to teach or suggest "tunneling the message in the audio communication link to the remote device," as Claim 1 requires.

As teaching these aspects, the Examiner points to *McAllister*, paragraph 8. *Office Action*, p. 3. In the cited portion, *McAllister* describes a signaling technique known as "tunneling" that is used to route signaling messages across an intermediate network. *McAllister*, ¶ 8. While both Claim 1 and the cited portion of *McAllister* use the term "tunneling," the cited portion of *McAllister* fails to teach or suggest tunneling a message in an "audio communication link" as Claim 1 requires.

In fact, *McAllister* never even mentions the terms “audio” or “video.” *Bales* fails to remedy the deficiencies of *McAllister*. Accordingly, *Bales* and *McAllister*, whether taken alone or in combination, fail to teach or suggest a method for supporting communications comprising “tunneling the message in the audio communication link to the remote device,” as Claim 1 requires.

Independent Claims 10, 19, 22, 33, 35, and 39 include limitations that, for substantially similar reasons, are not taught by *Bales* and *McAllister*. Because *Bales* and *McAllister*, whether taken alone or in combination, fail to teach or suggest all limitations of independent Claims 1, 10, 19, 22, 33, 35, and 39, Applicant respectfully requests reconsideration and allowance of Claims 1, 10, 19, 22, 33, 35, and 39 and their respective dependent claims.

B. Claims 27-32 are allowable over *Bales* and *Mukherjee*.

The *Office Action* rejects Claims 27-32 under 35 U.S.C. § 103(a) as unpatentable over *Bales* in view of U.S. Patent Publication No. US 2004/0010614 to Mukherjee, et al. (“*Mukherjee*”).

Consider Applicant’s independent Claim 27, which recites:

A method for supporting communications comprising:
 associating a packet-based telephony device with a computing device;
 determining media capabilities associated with the packet-based telephony device;
 determining enhanced media capabilities associated with the computing device;
 aggregating the media capabilities associated with the packet-based telephony device and the enhanced media capabilities associated with the computing device; and
 registering the aggregated media capabilities with a call manager, the call manager operable to associate the aggregated media capabilities with the packet-based telephony device.

Among other aspects, *Bales* and *Mukherjee*, whether taken alone or in combination, fail to teach or suggest (1) aggregating the media capabilities associated with the packet-based telephony device and the enhanced media capabilities associated with the computing device; and (2) registering the aggregated media capabilities with a call manager, the call manager

operable to associate the aggregated media capabilities with the packet-based telephony device,” as Claim 27 requires.

- i. ***Bales and Mukherjee fail to teach aggregating the media capabilities associated with the packet-based telephony device and the enhanced media capabilities associated with the computing device.***

As teaching these aspects, the *Office Action* points to *Mukherjee*, figure 9 and paragraph 76. *Office Action*, p. 8. In the cited portion, *Mukherjee* states, “FIG. 9 shows a network including a plurality of transcoders each performing transcoding on the formatted media data in accordance with the present invention and dependent on the aggregated receiving attributes of the downstream media destination receiving attributes (white arrows).”

¶ 76. The cited portion further states that “the transcoder may receive or sense aggregated capabilities of all downstream media destinations.” *Id.*

Mukherjee’s aggregated capabilities of downstream media destinations, however, fail to teach or suggest aggregated “media capabilities associated with the packet-based telephony device and the enhanced media capabilities associated with the computing device,” as Claim 27 requires. Accordingly, the cited portion of *Mukherjee* fails to teach or suggest “aggregating the media capabilities associated with the packet-based telephony device and the enhanced media capabilities associated with the computing device,” as Claim 27 requires. *Bales* fails to remedy the deficiencies of *Mukherjee*.

- ii. ***Bales and Mukherjee fail to teach registering the aggregated media capabilities with a call manager, the call manager operable to associate the aggregated media capabilities with the packet-based telephony device.***

As teaching the claimed call manager, the *Office Action* points to *Mukherjee*’s Optimizer/Decision Maker 103, which provides control to both of the sub-transcoders.” *Mukherjee*, ¶ 78. The cited portion of *Mukherjee*, however, fails to teach or suggest that *Mukherjee*’s Optimizer/Decision Maker 103 is “operable to associate the aggregated media capabilities with the packet-based telephony device,” as would be required by Claim 27. Accordingly, the cited portion of *Mukherjee* fails to teach or suggest “registering the aggregated media capabilities with a call manager, the call manager operable to associate the aggregated media capabilities with the packet-based telephony device,” as Claim 27 requires. *Bales* fails to remedy the deficiencies of *Mukherjee*.

For at least these reasons, Claim 27 is allowable. Independent Claim 29 includes limitations that, for substantially similar reasons, are not taught by *Bales* or *Mukherjee*. Because *Bales* and *Mukherjee* do not teach or suggest all limitations of independent Claims 27 and 29, Applicant respectfully requests reconsideration and allowance of Claims 27 and 29 and their respective dependent claims.

C. Claims 9, 18, and 21 are allowable over *Bales*, *McAllister*, and *Bowman-Amuah*.

The *Office Action* rejects Claims 9, 18, and 21 under 35 U.S.C. § 103(a) as unpatentable over *Bales* in view of *McAllister* and further in view of U.S. Patent No. 6,434,568 to Bowman-Amuah ("*Bowman-Amuah*"). As described above, Applicant has shown that *Bales* and *McAllister* fail to teach or suggest all limitations of independent Claims 1, 10, 19, 22, 27, 29, 33, 35, and 39. *Bowman-Amuah* fails to remedy the deficiencies of *Bales* and *McAllister*. Because dependent Claims 9, 18, and 21 incorporate the limitations of their respective independent claims, *Bales*, *McAllister*, and *Bowman-Amuah* fail to teach or suggest all limitations of Claims 9, 18, and 21. Therefore, Applicant respectfully requests reconsideration and allowance of Claims 9, 18, and 21.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

No fees are believed to be due, however, the Commissioner is hereby authorized to charge any additional amount required or to credit any overpayment to Deposit Account No. 02-0384 of Baker Botts LLP.

If the Examiner feels that prosecution of the present Application may be advanced in any way by a telephone conference, the Examiner is invited to contact the undersigned attorney at 214-953-6584.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant

A handwritten signature in black ink, appearing to read 'K-M Pankratz', with a long horizontal stroke extending to the right.

Kurt M. Pankratz
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Date: January 8, 2009

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